

Notice of Allowability

Application No.

10/757,943

Examiner

Carolyn T. Blake

Applicant(s)

STRONG, JOSEPH M.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the election of claim 4 filed on 12/27/2005.
2. ☒ The allowed claim(s) is/are 4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Doherty on February 10, 2006.

The application has been amended as follows:

- Claims 1-3 have been cancelled.
- The word "type" in lines 1 and 4 has been deleted as per MPEP 2173.05(b).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Reference numbers "14" and "18" will be added to FIG 1. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes. Please see the Interview Summary (PTOL-413B) for additional details.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: The claim is allowable because the prior art fails to teach a method for changing an old punch type blade with a new replacement blade comprising: releasing the fastening means such that the old blade is free to slide with respect to the composite bore, and simultaneously utilizing the old blade to maintain alignment between the holding block bore and said die

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head bores and thereafter into the opposite die head bore while thereby pushing the old blade completely out of the composite bore and thereafter fixing said replacement blade to said holding block with said fastening means.

Applicant's Admitted Prior Art (hereinafter, AAPA) discloses a method of changing an old punch type blade with a new replacement blade in a double ended nibbler tool having a housing supporting a pair of opposed die cutting heads (52) in turn having a single punch double ended blade (30) adapted for linear reciprocal motion with respect to the housing and to the die cutting heads (52) and wherein the housing includes a centrally disposed reciprocating motion transmitting means (20) in turn incorporating a blade location and a holding block (25) with fastening means (32) for fixing the position of the blade (30) to the block (25), and a blade assembly including a bore (54) extending longitudinally through each of the die heads (52) and wherein such die head bores (54) are spaced but longitudinally aligned with a bore longitudinally extending through the holding block so as to form a composite bore (28) adapted to receive the blade (30) and wherein the composite bore (28) comprising: releasing the fastening means (32). See FIGS 1 and 2 and pages 7-9 of the specification. AAPA fails to disclose the composite bore is of an equal operational diameter throughout the longitudinal extent thereof and the blade is of a diameter not exceeding that of said composite bore. In addition, AAPA fails to disclose the old blade is free to slide with respect to the composite bore, and the step of simultaneously utilizing the old blade to maintain alignment between the holding block bore and said die head bores and thereafter into the opposite die head bore while thereby pushing the old blade

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completely out of the composite bore and thereafter fixing said replacement blade to said holding block with said fastening means. Belanger (3,341,930) discloses a method of changing an old part (7) with a new replacement part (6) comprising the step of simultaneously utilizing said old part (7) to maintain alignment in a bore while pushing the old part (7) completely out of the bore. While the Belanger method shows a quick and efficient method of replacing a part through pushing of the old part with the new part, it would not have been obvious to combine the prior art of record to show replacement by merely loosening a fastener. In combining AAPA and Belanger, one of ordinary skill in the art would probably still remove the die heads.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusions

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB
February 13, 2006



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